IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HIGHPOINT RISK SERVICES LLC and ASPEN ADMINISTRATORS, INC.,	§	
PLAINTIFFS,	§	**Civil Action No. 3:14-cv-3398-L**
v.	§	
COMPANION PROPERTY & CASUALTY INSURANCE COMPANY,	§	
DEFENDANT,	§	
v.	§	
CHARLES DAVID WOOD, JR., AMS STAFF LEASING INC., BRECKENRIDGE ENTERPRISES, INC., and AMS STAFF LEASING II, INC.,	§	
THIRD-PARTY DEFENDANTS.	§	

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiffs Highpoint Risk Services LLC and Aspen Administrators, Inc. (jointly, "Plaintiffs"); Defendant Companion Property and Casualty Insurance Company ("Defendant"); and Third-Party Defendants Charles David Wood, Jr., AMS Staff Leasing Inc., Breckenridge Enterprises, Inc., and AMS Staff Leasing II, Inc. (together, "Third-Party Defendants") (collectively referred to herein as the "Parties") file this Joint Motion to Amend Scheduling Order, as follows:

On May 17, 2016, this Court issued the Scheduling Order (Doc. 78) and set this case for trial on the Court's four-week docket beginning August 7, 2017. This case involves a large volume of documents and a number of witnesses and third-party issues. In order to complete discovery and prepare for trial, the Parties jointly request a modification to the Scheduling Order.

A scheduling order may be modified for good cause and with the judge's consent.[1] In deciding whether to amend the scheduling order, a court considers: (1) the explanation for the party's failure or inability to meet the deadline; (2) the importance of the amendment to the scheduling order; (3) potential prejudice if the court allows the amendment; and (4) the availability of a continuance to remedy such prejudice.[2]

With respect to the first and second factors, the Parties jointly request additional time to complete discovery because of the large volume of documents, witnesses, and third-party issues involved in the case. Additional written discovery needs to be completed and documents need to be collected, reviewed, and exchanged between the Parties in order for the Parties to begin taking depositions and disclosing experts. The Parties are in the process of reviewing a substantial volume of documents to identify relevant, responsive, non-privileged documents that should be produced, and the Parties' document productions will not be completed in time to meet the current expert deadlines and to depose all necessary witnesses. Further, once document production is complete, the parties will need additional time to review the productions and to determine what, if any, additional documents or information may be needed in the discovery period. In addition, the related South Carolina litigation involving the same Parties is set for jury selection on April 12, 2016, and for trial beginning May 1, 2017; as a result, it would be difficult for counsel for the Parties to meet the April deadlines set forth in this Court's current scheduling order (including the discovery cutoff and the deadline for dispositive and non-dispositive

[1] *See* FED. R. CIV. P. 16(b).

[2] *S & W Enters., L.L.C. v. Southwest Bank of Alabama*, 315 F.3d 533, 535 (5th Cir. 2003) (internal quotation marks, brackets, and citations omitted).

motions) while simultaneously preparing for an anticipated three-to-four-week trial in South Carolina.

With respect to the third and fourth factors, the Parties will suffer no prejudice with respect to the prosecution or defense of their respective claims. The Parties agree that extending the discovery deadline, pretrial deadlines, and the trial date in no way impairs the prosecution or defense of any claims. As no prejudice results by extending the pretrial deadlines, the issue of a continuance to cure any potential prejudice is moot.

Accordingly, the Parties jointly request that the Court grant their Joint Motion to Amend Scheduling Order and grant the extension of the deadlines and re-setting of the trial date.

NEW DEADLINES PROPOSED BY THE PARTIES

The Parties request the trial of this case be re-set to the trial docket beginning on or after October 9, 2017. The Parties request that the Pretrial Conference be re-set for October 5, 2017. The Parties further request that additional deadlines be re-set as follows:

- Dispositive and Nondispositive Motions, Briefs, and Evidence deadline be June 29, 2017;
- Plaintiff's Designation of Experts deadline be March 13, 2017;
- Defendant's or Third Party's Designation of Experts deadline be April 13, 2017;
- Challenges to Experts deadline be June 29, 2017;
- Completion of Discovery deadline be June 15, 2017;
- Pretrial Disclosures and Pretrial Materials deadline be September 11, 2017;
- Objections to Pretrial Disclosures and Objections to Pretrial Material and Motions in Limine deadline be September 25, 2017; and
- Settlement Status Report deadline be September 11, 2017.

CONCLUSION

For the foregoing reasons, and in the interests of justice, the Parties respectfully request that the Court grant their Joint Motion to Amend Scheduling Order and grant the extension of the deadlines and re-setting of the trial date as requested above.

Dated: December 30, 2016

Respectfully submitted,

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/s/ Kristin Wynn on behalf of Aspen Administrators, Inc.

/s/ Kristin Wynn on behalf of Breckenridge Enterprises, Inc.

/s/ Charles David Wood, Jr.

/s/ Kristin Wynn on behalf of AMS Staff Leasing II, Inc.

/s/ Josh Shettle on behalf of Companion Property and Casualty Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record by means of CM/ECF E-SERVICE on December 30, 2016.

/s/ Jeremy D. Camp